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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 YUSUF ALI ALI et al.,

8 Petitioners,

9 v.

10 JOHN D. ASHCROFT, Attorney General, et al.,

11 Respondents.
12

No. C02-2304P

SUMMARY OF PROCEEDINGS
AND STATUS OF CASE

13
14 On January 17, 2003, this Court ruled that United States immigration authorities (including
15 the INS and ICE) may not remove aliens to Somalia because there is no central functioning
16 government in Somalia. 8 U.S.C. §1231(b)(2) requires acceptance by the government of Somalia of
17 the return of its citizens, nationals, or subjects. This ruling covers all persons in the United States with
18 final orders of removal, expedited removal, deportation or exclusion to Somalia (referred to as the
19 “class”), *except* for those individuals who had a writ of habeas corpus pending, or on appeal, as of
20 January 17, 2003, which raised the issue of unlawful removal to Somalia under 8 U.S.C. §1231(b)(2).

21
22 This Court’s ruling prevents any member of the class from being removed to Somalia. The
23 Court has recently issued an order requiring the United States to provide individual notice to any
24 detained person with a final order of removal to Somalia advising them that they cannot be removed
25 unless they are provided a specific separate notice indicating that they are not in the class.
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1 U.S. government officials, including ICE and prison officials, should not ask any class member
2 to agree or consent to be removed to Somalia. As of the date of this notice, U.S. government officials
3 should not make representations to class members about Somali travel documents. If U.S.
4 government officials do any of these things, class members should contact the attorneys listed below.
5 Class members are free to initiate communications themselves if they do not want to be protected by
6 the class.

7 This Court's ruling does *not* deal with other issues that may affect class members, including the
8 following:

- 9 1. Whether their orders of deportation were validly entered;
- 10 2. Whether they are entitled to other relief that might prevent their removal, such as
Temporary Protected Status; or
- 11 3. Whether they must be released from detention because they cannot be removed to
12 Somalia.

13 **CHALLENGES CONCERNING DETENTION**

14 This Court did not decide whether class members are entitled to be released from detention
15 However, its ruling that they cannot be removed to Somalia itself may affect their right to be released
16 from detention. To be released on this ground, class members may have to file a petition for habeas
17 corpus in the federal court in the place they are detained. A habeas corpus petition asks the
18 government to give a good reason for an individual's detention and may result in release or other
19 appropriate relief. Class members can file such a habeas corpus petition on their own, but they may
20 want to consult with a lawyer about their rights before doing so or seek the assistance of a lawyer in
21 preparing the habeas corpus petition.

22 **IF YOU HAVE QUESTIONS, YOU SHOULD TALK TO A LAWYER**

23 If you are a detained class member, to find out whether you might be entitled to be released from
24 detention or may be entitled to other relief, you should talk to a lawyer. If you do not already have a
25

1 lawyer and need assistance in locating one, write or call the following people who will try to assist you
2 in locating a lawyer in the area in which you are detained:

3 Nick Gellert
4 Rolf Johnson
5 1201 Third Avenue, Suite 4800
6 Seattle, WA 98101
7 emails: ngellert@perkinscoie.com
8 rjohnson@perkinscoie.com
9 tel. no.: 206-359-8000
10 fax no.: 206-359-9000

11 THESE LAWYERS ACCEPT COLLECT CALLS.

12 BACKGROUND

13 *Ali Ali v. Ashcroft* is class-action litigation affecting the Government's ability to remove aliens to
14 Somalia. *Ali Ali* was brought by four men (the Petitioners) who were facing immediate removal to
15 Somalia. The Petitioners sued the Government to prohibit it from removing them to Somalia. The
16 Petitioners asserted that, under 8 U.S.C. § 1231(b)(2), the Government may not remove aliens to
17 Somalia because Somalia has no government to accept them.

18 This Court ruled in favor of the Petitioners and issued an order barring the Government from
19 removing any alien to Somalia. This is referred to as an "injunction." The injunction not only applies
20 to the original four Petitioners, but to *all* aliens with final orders of removal to Somalia other than
21 those persons who had a habeas petition pending, or on appeal, as of January 17, 2003, raising the
22 issue of unlawful removal to Somalia under 8 U.S.C. § 1231(b). The Court's order is available here:
23 www.wawd.uscourts.gov. The Government has appealed this Court's decision to the Ninth Circuit
24 Court of Appeals. The Ninth Circuit upheld the Court's decision. The Ninth Circuit's decision is
25 available here: www.wawd.uscourts.gov. The Government has asked the Ninth Circuit to reconsider
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1 its decision, and the Ninth Circuit has not yet ruled on the Government's request. The injunction thus
2 continues to be effective.

3 The United States Supreme Court has indicated that it will decide the central legal issue
4 affecting all of these cases, in the case brought by Keyse Jama. In *Jama v. Ashcroft*, the United States
5 District Court of Minnesota ruled that the Government could not remove Mr. Jama to Somalia given
6 the lack of a recognized government able to accept him. However, the Government appealed to the
7 Eighth Circuit Court of Appeals, which disagreed with the District Court and held that the
8 Government could remove Mr. Jama to Somalia. *Jama* is not a class action; the result there only
9 affected Mr. Jama. However, the United States Supreme Court's decision will be impact this Court's
10 injunction.
11

12 The Supreme Court has set oral argument in the *Jama* case for October 12, 2004. The
13 Supreme Court typically takes several months after oral argument to issue decisions. It is not known
14 whether the Ninth Circuit will take any action before the Supreme Court rules. Until either the
15 Supreme Court or Ninth Circuit issues a ruling stating otherwise, the injunction protects class
16 members from being removed to Somalia. No person is to be removed to Somalia because they are
17 not a class member without receiving a specific notice indicating that they are not protected by the
18 class action. .

19 SUMMARY

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21 1. No aliens, other than those not in the class and excluded from the injunction entered by this
22 Court, will be removed to Somalia unless a court rules otherwise. No court decision is expected on
23 the status of the injunction against removing people to Somalia until either the Ninth Circuit rules on
24 the Government's motion for reconsideration in *Ali Ali* or the Supreme Court makes a decision in
25 *Jama*. Neither of these events is likely to happen until at least December 2004.
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- 1 2. If you are a class member in detention, you may have the right to seek release from detention.
2 If you wish to be released from detention, you should consult with a lawyer.
3 3. The injunction does not deal with other issues that might affect class members, including
4 whether their orders of removal were entered properly or whether they are entitled to other relief such
5 as Temporary Protected Status.
6 4. This Notice is not all-inclusive. The pleadings and other papers in this case may be inspected
7 at the office of the Clerk of the United States District Court, United States Courthouse, 700 Stewart
8 Street, Seattle, Washington 98101, during normal business hours.
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11 PLEASE DO NOT OTHERWISE CONTACT THE COURT FOR FURTHER INFORMATION.
12 ANY QUESTIONS ABOUT THIS LITIGATION SHOULD BE MADE TO ONE OF THE
13 ATTORNEYS FOR THE CLASS AT THE FOLLOWING ADDRESS:

14 Tom Boeder
15 Nick Gellert
16 Rolf Johnson
17 1201 Third Avenue, Suite 4800
18 Seattle, WA 98101
19 emails: tboeder@perkinscoie.com
ngellert@perkinscoie.com
rjohnson@perkinscoie.com
tel. no.: 206-359-8000
fax no.: 206-359-9000

20 THESE LAWYERS ACCEPT COLLECT CALLS.
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22 Dated: September 13, 2004

BRUCE RIFKIN, Clerk

By /s/ Mary Duett
Deputy Clerk

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